IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7519 of 2005

Between:

B.Nagaiah,
Suryapet, Nalgonda District.

..... PETITIONER

AND

The Depot Manager, APSRTC., Kodad,
Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or directions, more in the nature of writ of mandamus, declaring the office order dt.27-07-2000 as illegal and arbitrary and set aside the same with all consequential benefits including arrears and pass such other order or orders.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondent: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court made the following ORDER:

ORDER:

Declaring the action of the respondent in imposing major penalty vide proceedings No.01/2(4)/99-SRPT, dated 27-7-2000 as illegal and arbitrary, the present writ petition is filed.

The petitioner is working as a Driver in the respondent Corporation. He was charged sheeted for committing accident on 7.1.1999. He submitted his explanation on 5-5-1999. Without considering the same, the respondent passed final orders on

27.7.2000 imposing the penalty of deferment of annual increment for a period of two years with cumulative effect. Aggrieved by the order passed by the respondent, the petitioner preferred an appeal to the appellate authority, which was dismissed on 30-7-2003. Hence, this writ petition.

The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to the petitioner. Therefore, he approached this Court through this writ petition to declare the action of the respondents is illegal and arbitrary and to direct the respondent to add the deferred increment.

It is well settled by the Supreme Court in **Kulwant Singh Gill v. State of Punjab** wherein the Supreme Court held that since the punishment imposed on the petitioner is a major punishment, the order cannot be sustained without an enquiry. The petitioner therefore seeks to declare that the order is illegal and it is liable to be set aside.

Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increment for a period of one year with cumulative effect, imposed by the respondent can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increment for a period of two years without cumulative effect. The petitioner is not entitled for the difference of amount, if any, by virtue of this Order, but he is entitled to get the increment on notional calculation from the date of this order to which he is entitled.

The Writ Petition is accordingly disposed of with the above observations. No costs.

K.C. Bhanu, J.

6th April 2005

js.

To

1. The Depot Manager, APSRTC., Kodad, Nalgonda District.
2. Two CD Copies